



Crl.O.P.(MD)No.3908 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3908 of 2023

1.P.Jeyaprakash

2.Rajeshwari

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Theni Sub Division,
Theni District.

2.The Inspector of Police,
Theni Police Station,
Theni District.
Crime No.84 of 2023.

3.Thamilarasan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Principal and District Sessions Judge, Special Court for SC/ST (POA) Act cases 1989 (amended) 2015, Theni, to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with Crime No.84 of 2023 on 23.02.2023 on the file of the second respondent Police.



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For Petitioners : Mr.C.Jeganathan
For R1 & R2 : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the learned Principal and District Sessions Judge, Special Court for SC/ST (POA) Act cases 1989 (amended) 2015, Theni, to accept the surrender of the petitioners and consider their bail application and grant bail on the same date of surrender itself in connection with Crime No.84 of 2023 on 23.02.2023 on the file of the second respondent Police.

2. The petitioners are accused for the offences punishable under Sections 294(b), 323, 324 IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 2015, in Crime No.84 of 2023, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the State and perused the materials available on record.



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4. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned Principal and District Sessions Judge, Special Court for SC/ST (POA) Act cases, Theni, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.84 of 2023 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The petitioners shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

5. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioners and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favorably.



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WEB COPY 6. With the above direction, this Criminal Original Petition stands allowed.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Principal and District Sessions Judge,
Special Court for SC/ST (POA) Act cases,
Theni.
- 2.The Deputy Superintendent of Police,
Theni Sub Division,
Theni District.
- 3.The Inspector of Police,
Theni Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.3908 of 2023

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